

Kinship Services Questions and Answers

Background Screening.....	2
CPS	11
Documenting Information in SAFE	14
Evaluation for Ongoing Kinship Care	15
Out-of-Home Requirements	17
Preliminary Placement	20
Region Action Items.....	23
Resources and Support for Kinship Caregivers.....	25
Scenarios: Clarify the Gray Areas	29
Tools and Technology	30

Kinship Services

Questions and Answers

Section 500 Kinship Practice Guidelines can be found at <http://www.hspolicy.utah.gov/dcfs/pdf/500.pdf>

Background Screening

Does it cost to request Bureau of Criminal Identification (BCI) records?

Yes. The Utah Department of Public Safety does charge for the Utah Criminal Justice Information System (UCJIS) checks and the fingerprint-based Federal Bureau of Investigation (FBI) National Criminal History Records checks. This information may be obtained by contacting the Utah Department of Public Safety.

The Utah Department of Public Safety
Bureau of Criminal Identification
3888 West 5400 South
Salt Lake City, Utah 84114-8280
Phone: 801-965-4445
Fax: 801-965-4749
Email: <http://des.utah.gov>

When Child and Family Services performs Live Scans or rolled hard copy fingerprints, there will be a \$10 processing fee for each person. Payment can be in cash, cashier's check, or money order payable to the Department of Human Services. No personal checks or credit cards will be accepted.

Does a concealed weapon permit count as an acceptable state issued identification (ID)?

No. According to the Utah Department of Public Safety, Bureau of Criminal Identification the only ID forms acceptable to run a Utah criminal background check are any government issued photo identification, which includes driver's licenses, identification cards, military identification, and passports. It does not include driver privilege cards, student identifications, or library cards.

A military ID is issued by the government - are they considered an appropriate form of picture identification by the BCI?

Yes - If you request Utah BCI or federal background checks from the Utah Department of Public Safety, Bureau of Criminal Identification.

No - If you are submitting information or requesting background checks from the Office of Licensing. According to their Rule 501-14, the Office of Licensing is requiring a current, valid state driver's license or state identification card bearing the applicant's photo, current name, and address. The Office of Licensing also requires a Social Security Number.

What about when people are traveling across states for seven weeks? Is a separate check for each state required?

The Office of Licensing requires that the FBI Fingerprint-Based Criminal History Checks be run on a person that has been out of the state of Utah for longer than six weeks. Child and Family

Kinship Services

Questions and Answers

Services may place a child in a Preliminary Placement then begin the Live Scan fingerprint process within 10 business days.

The Child Abuse and Neglect Registry would not have to be checked on all the states that a person would be visiting during the seven weeks vacationing time period. Utah Code Sections 62A-2-120 and 78A-6-308 state that a check would have to be completed if the person has resided in a particular state in the five years immediately preceding the day on which the prospective foster parent or prospective adoptive parent applied to be a foster parent.

What is the role of Child and Family Services when a family cannot pass background screening requirements with the Office of Licensing due to a “hit” in the SAFE LIC database?

Practice Guidelines Section 504.10 defines the process after we have placed a child in a Preliminary Placement:

A. If a child was placed with a kinship caregiver in an approved Preliminary Placement, and subsequent background screening of an adult in the home is not approved, Child and Family Services shall:

1. Reassess safety based on safety decision-making (see Practice Guidelines Section 502.4).

2. Consult with the Assistant Attorney General and Guardian ad Litem assigned to the case.

3. Child and Family Services cannot approve ongoing placement of a child in Child and Family Services custody with a kinship caregiver that does not meet background screening requirements.

4. Evaluate placement options and time frames in terms of immediate threat of harm, placement stability, and long-term view with the Child and Family Team. The team should decide if it is in the child’s best interest to transition to another placement or to recommend to the court that custody and guardianship be granted to the kinship caregiver.

5. If custody and guardianship is going to be recommended to the court, educate the court on the ramifications of granting custody and guardianship without an approved background screening (e.g., the family will not qualify for adoption assistance if they later decide to adopt).

How can we discuss concerns regarding a placement with the team to help in making decisions for ongoing placement when BCI information cannot be shared?

Practice Guidelines Section 502.14 Preliminary Placement – Child and Family Team, states that the caseworker should prepare for the unique circumstances of each family prior to a Child and Family Team meeting. For example, if there are domestic violence issues, the caseworker will consider separate Child and Family Team Meetings for safety and confidentiality issues, and should prepare in advance to deal with barriers, attitudes, relationship issues, safety issues, **and legal concerns.**

Kinship Services

Questions and Answers

Also, if background screening for a potential kinship caregiver has been denied, the caseworker should discuss with the potential kinship caregiver, prior to the Child and Family Team meeting, other ways they may support the child and their recommendations for another kinship caregiver for Preliminary Placement. The caseworker may not discuss any specific criminal history, but may provide information about how they may obtain a copy of their own criminal history or child abuse findings. The caseworker shall only discuss with the Child and Family Team that the home of the potential kinship caregiver was unable to pass the requirements for the child to be placed there and not specifically that the home did not pass the background screening.

Is KBS01 (Application for Background Screening) required for tribal members?

Background screening is required for any person 18 or older in a household where we are considering placement of a child, regardless of whether that family is part of a Native American Tribe living on or off the Tribal lands. Tribes who approve their own homes for licensure still adhere to background screening requirements.

What about a parent who lives part-time in another state for work? Is that considered out of state...and therefore, he/she would need to complete the FBI background screening/check?

Practice Guidelines Section 502.3 Background Screening Requirements for Preliminary Placement, specifies:

A. The following background screenings are required for all adults age 18 and older living in the home of the kinship caregiver prior to placement of a child, with one exception:

1. If the child is being placed with a non-custodial parent, this check may be completed for the non-custodial parent and any other adults age 18 and older in the home before or within one day after a child is placed, excluding weekends and holidays, if based upon a limited investigation Child and Family Services determines that:

a. The non-custodial parent has regular, unsupervised visitation with the child that is not prohibited by law or court order; and

b. Based on the caseworker's best judgment and analysis of available information, there is no reason to believe that the child's health or safety will be endangered by making the placement prior to the background screening being completed.

If a non-custodial parent is residing in Utah and working in another state, then we would complete the Utah BCI and if there was any indication that there may be something from another state, we could have the FBI background checks completed. This person is actually spending time in both states and could have a criminal background history in either state. If the non-custodial parent's residence is in another state, then the Interstate Compact for the Placement of Children (ICPC) applies before we can make any placement of a child with that parent.

Kinship Services Questions and Answers

How is the “six weeks” out of state interpreted? Does someone who travels/vacations for six weeks need an FBI check or only if they moved there (i.e., snowbirds)? And what about if they are out of the country for more than six weeks, but did not remain in any given country for more than this time – what is required in this case?

The kinship caregiver and spouse are required to have Live Scan and submission of fingerprint cards completed within 10 days after the child is placed in a Preliminary Placement.

If there is a person 18 years of age and older living in the home that has traveled through the United States and has not resided in any of the states visited, then you would not have to complete the FBI fingerprints, unless the caseworker or TAC/Alternate has concerns that something has occurred in another state while they were traveling based on information that has been gathered by interviews with family members or if the Utah background screenings identified the person as a multi-state offender.

The key word is “resided.”

Practice Guidelines Section 502.3 Background Screening Requirements for Preliminary Placement, states:

Out of Country Background Checks:

*a. If a relative or any other adult age 18 and older in the home has **resided** outside of the U.S. in the five years prior to the request for background screening, Child and Family Services may require the kinship caregiver to provide out of country background screening documentation prior to or after placing a child in a Preliminary Placement.*

When an applicant has resided outside of the United States in the previous five years, the applicant would have to adhere to Practice Guidelines Section 502.3(3) Out of Country Background Check:

b. The kinship caregiver may be required to provide the following documentation for adults age 18 and older that have resided outside of the United States in the previous five years. Note that the United States Virgin Islands, and Guam are considered outside of the United States.

What should someone do if they have spent six weeks in a foreign country that has no consulate or way to obtain the criminal background screening information? What if someone is here on a refugee status? Can we place with them?

Child and Family Services can place a child in a Preliminary Placement if all of the Practice Guidelines Section 502.3 Background Screening Requirements For Preliminary Placement are followed. These guidelines require the Utah BCI clearance and allow for the fingerprint-based FBI background check to be completed within 10 days after the child is placed in the home.

Placing a child with a kinship caregiver with refugee status would be treated the same as citizenship status that is undocumented. Our ability to make a Preliminary Placement would depend on whether we have enough information to complete the background screening requirements. Factors that you need to consider in making this decision for using a person who

Kinship Services Questions and Answers

has lived in a country where background screening information is not available or with a person who is in the United States on refugee status includes:

- Would you still consider this a potential placement knowing the background screening required for individuals for potential foster and adoptive families could not be completed?
- Could you assure the safety of the child with this caregiver?
- Would this caregiver be able to meet the needs of the child without the resources available to licensed caregivers, as the only option for placement with this individual would be if the court granted them temporary custody and guardianship?
- If reunification is unsuccessful, what would the permanency goal be for the child as adoption is not an option unless the full background screening has been completed?

If the kinship caregiver is applying to the Office of Licensing to receive a child-specific (probationary) license, he/she will have to follow the Office of Licensing's R501-14-3 Background Screening Procedure:

(4) An applicant who has lived outside of the United States during the five years immediately preceding the date of the application shall attach an original or certified copy of:

- (a) a criminal history report from each country lived in;*
- (b) a letter of honorable release from U.S. military or full-time ecclesiastical service, from each country lived in; or*
- (c) other written verification of criminal history from each country lived in, as approved by the Office of Licensing Background Screening Unit supervisor.*

If the foreign country has no consulate or way to obtain the criminal background screening information, the applicant would need to submit other written verification such as a letter of explanation stating the United States has no diplomatic relations with the country and an explanation why the person cannot obtain the information.

If the applicant is in Utah on a refugee status, the applicant would have to obtain supplemental information from the refugee resettlement agency, signed by the resettlement personnel and written on letterhead stationery, addressing the issue and providing information specifically about a criminal history in the country or countries where the person lived.

If there is an adult child that is going to school out of state and comes home for vacation (summer, Christmas, etc.), do we have to see the original identification (Driver's License, etc.) or can we accept a faxed copy for the purposes of the BCI? Do we have to have a cleared BCI for every adult who will be in the home, even if they are only staying over for one night? What about a college student that comes home on the weekends?

Practice Guidelines require that all persons 18 years of age and older residing in the home are required to complete background checks. If the adult child is visiting and will be a primary caregiver or left alone with the child, it would be required that the adult child have the Utah and FBI criminal background checks submitted.

Kinship Services Questions and Answers

Child and Family Services will not accept a faxed copy of driver's licenses. The adult child would have to present the driver's license to the caseworker, who can verify their current, valid driver license or State identification card issued by the Department of Motor Vehicles.

Do the KBS00 (and/or KBS01) need to be filled out in any particular color of ink?

The KBS00 and KBS01 should be filled out using blue, purple, green, or red ink (no black or light pastels). When using black ink it is hard to determine that the application is the original and not a photocopy that could have been altered. The light pastels do not copy well and since we are required to keep copies for auditing purposes, we will need to make sure that the applications are readable.

How will the TAC/Alternate be able to complete background screening when an offense was adjudicated through the tribal court as this will not come up through a review of data from UCJIS?

There are convictions that are not in UCJIS because the person was not fingerprinted as a result of arrest or court appearance. If you are aware that an offense was adjudicated through the tribal court, ask the person to prove a certified court record. There is no guarantee the applicant will self-disclose. We can only pursue the information the applicant provided.

On a Transition to Adult Living (TAL) case, when the children are being "sent home" (by a court order) on a trial home placement with a parent from whom they were originally removed, do they have to complete the background checks?

No, a trial home placement with the parent or guardian whom the child was removed from does not require a background check.

Is it possible for law enforcement or the Attorney General's office to do Preliminary Placement background screening?

No. Child and Family Services has provided each region with trained TACs and Alternates to perform Utah criminal background, SAFE, Office of Licensing, and Adult Aging checks on a 24-hour, 7-days a week access. TACs/Alternates are available during business hours and on-call hours for weekends and holidays. These TAC/Alternates have been trained to State and Federal laws, BCI policy, and Practice Guidelines Section 500 Kinship Services.

If we do a BCI (either expedited or not) and it comes back denied, if the person with the hit on their record then moves out of the house, do we have to resubmit a whole new form, or can we just scratch off that person and have the check re-evaluated?

In regards to the KBS00, the person who moved out of the home may be crossed out with a note added to the side that this person no longer lives in the household. The caseworker would reassess the home for safety before the child could be placed.

In regards to the KBS01, each applicant would have his or her own application form that would be approved or denied. If he or she has been denied and has moved out of the home, the placement would be reassessed for safety before the child would be placed in the home.

Kinship Services

Questions and Answers

Can we tell the family who in the household did not clear the background check if we don't disclose the reasons why they didn't pass?

No. The Child and Family Services caseworker would discuss only with the applicant that they have an identified history with the Utah Department of Public Safety, Bureau of Criminal Identification. The caseworker should give the applicant the address, phone number, or website to contact this agency to seek out what the identified history is. The caseworker may not share the information with the other members of the household; they may only discuss that after reviewing all the information, the household did not pass the requirements to have the child placed there.

Is the TAC going to tell the caseworker why a family is being denied or will they just say yes and no?

Practice Guidelines Section 504.11 clarifies the process for communication of background screening results and dissemination of records.

If the caseworker verbally requests an expedited background screening for a Preliminary Placement and communication of the results is urgent, the TAC/Alternate may notify the caseworker verbally if the background screening is **approved**, **needs further review**, is **denied**, or **could not be completed** based upon the verbal information provided. The TAC/Alternate should not provide specific details to a caseworker about a background screening history that was initiated by verbal request until the TAC/Alternate has received the Kinship Background Screening Application providing written authorization for the screening and photo identification, and a dissemination log is completed.

The TAC/Alternate may only communicate details contained in a Utah criminal history or FBI report from the Department of Public Safety, Bureau of Criminal Identification with the Child and Family Services staff who are authorized to receive the information for the purpose of making placement decisions for the child (such as caseworker, supervisor, kinship consultant, or background screening committee members). Any details shared will be provided in a summary of the original report. A dissemination log will be maintained and a dissemination form completed to document the name of each person who received the information. The legal liability of disseminating information from the Child and Family Services staff to any other entity will fall on that staff member.

How will the background screening committees get the information they need to make decisions? Who is going to tell them the hits?

It specifies in Practice Guidelines Section 504.9 that the TAC/Alternate will provide available information to the Region Background Screening Committee including summaries of background screening reports and any information provided by the applicant. Information shall not be sent electronically. Criminal history reports (rap sheets) shall not be distributed to committee members. The TAC/Alternate will maintain a dissemination record to track the names of the persons receiving the information (including the caseworker/supervisor if they participate in the screening) and will ensure that all copies of criminal history summaries have been returned to the TAC at the conclusion of the review.

Kinship Services

Questions and Answers

What are the TAC/Alternates really looking at for expedited BCI (LIS/SAFE history/etc.)?

Practice Guidelines Section 504.1 Kinship Background Screening Process – Authority and Uses explains: *“an Expedited Kinship Background Screening for Preliminary Placement application can be approved or denied after a TAC/Alternate performs a search of the following databases for all persons 18 years of age living in the kinship caregiver’s home.*

- *The Utah Department of Public Safety, Bureau of Criminal Identification’s, UCJIS,*
- *Child and Family Services, SAFE,*
- *Office of Licensing’s LIS, and*
- *Adult Aging, DAAS.”*

Can TACs run BCIs on other family members for respite?

Yes, TAC/Alternates should run background screenings for any family members who will be doing respite. These family members will need to complete the KBS02 and submit to the region TAC/Alternate. The TAC/Alternate will keep the original KBS02.

Is there another option/recourse for a family, after TAC or Regional Background Screening Committee, if they are denied placement?

Practice Guidelines Section 504.10 (D) “Steps If Background Screening Is Denied After A Child Has Been Placed with a Kinship Caregiver” states that if the Child and Family Team decides not to recommend that the kinship caregiver be granted custody and guardianship, *“the caseworker may inform the kinship caregiver of their option to obtain their own legal council to seek temporary custody and guardianship of the child from the court on their own.”*

When a judge places a child into custody and guardianship and orders a background screening be done, does the TAC still do that background screening?

If the judge has placed a child by court order into the custody of Child and Family Services and requests that the agency conduct background screening on potential kinship caregivers, the caseworker should follow the Practice Guidelines Section 501.3 Active Search for Kin and Section 501.4 Preferences for Placement. When choosing from multiple placement options, the Child and Family Team will try to reach consensus as to which kinship placement would be most appropriate for the child. Background screening for any potential kinship caregiver begins with the region TAC/Alternate. The TAC/Alternate will complete background screening in accordance with Practice Guidelines Section 502.3 Background Screening Requirements for Preliminary Placement and/or Practice Guidelines Section 504 Kinship Background Screening Process, depending on whether the family is being considered for preliminary or ongoing placement of a child in our custody.

If the judge has already awarded temporary custody and guardianship to a kinship caregiver without first having completed background screening, the TAC/Alternate will complete that as court ordered. However, we need to work the Assistant Attorney General (AAG) to help the judge understand how doing such an action is not necessary as we have the capacity to complete expedited background screenings and make Preliminary Placements with kinship caregivers in a

Kinship Services Questions and Answers

quick manner after we have assurances that they pass background screening and a limited home inspection.

What does Child and Family Services do if the family doesn't follow through with the additional background screening within 10 days?

The caseworker should follow up with the family to ensure that the application and fingerprints were submitted in accordance to the application and instructions they provided for the kinship caregiver. If there have been delays, the caseworker should work with the family to remove any barriers that have delayed this process being completed. A child can remain in the Preliminary Placement, but the evaluation for ongoing care of the child may not be completed until the background screening process has been completed. It may be necessary for the Child and Family Team to convene to consider other options for the ongoing placement of the child if the kinship caregiver and all adults age 18 and over in the home do not complete background screening so the ongoing evaluation can be completed. The caseworker should also explain to the family the legal timelines and the urgency of completing the additional background screening in order for the team to make decisions about the ongoing placement and permanency plan for the child.

Who is responsible to complete the background screening process for kinship care after a preliminary kinship placement has been made? Who is responsible for what?

Practice Guidelines Section 504.3, 504.4, and 504.5 go through the entire process and responsibilities of each party. The adults in the kinship caregiver household have responsibility for initiating the background screening process. This process is facilitated by the caseworker ensuring the kinship caregiver is informed of the background screening requirements and processes. The caseworker completes the information on page two of the Kinship Background Screening Application (KBSO1) and copies of the application are given to the kinship caregivers and any person age 18 or older living in the home along with written instructions for completing background screening process, including how to access Live Scan or submit hard copy fingerprints. After the kinship caregivers and any other persons in their household requiring background screening have provided the information needed, the Live Scan operators are responsible to verify applicant identity and electronically scan fingerprints of the background applicants to the Utah Department of Public Safety, Bureau of Criminal Identification. The Office of Licensing has the authority to conduct background screening for prospective foster and adoptive homes, and they will conduct the background screening for kinship caregivers and other adults age 18 or older in the home after Child and Family Services has completed background screening for Preliminary Placement. The TAC/Alternate will compile the background screening, application, reports, documentation, etc. and submit these to the Child and Family Services background screening coordinator at the State Office. The background screening coordinator will submit the required information to the Office of Licensing. The Office of Licensing will return the approved or denied background screening application to the background screening coordinator and these will be returned to the region TAC/Alternate for dissemination in accordance to Practice Guidelines Section 504.11.

Kinship Services

Questions and Answers

How often are the background checks of non-licensed kinship placements reviewed? This is done yearly with foster parents, but do we require anything for our non-licensed homes?

Background checks are completed upon the initial placement of a child in Preliminary Placement.

The Office of Licensing will perform subsequent yearly renewals after the kinship caregiver becomes a licensed foster care placement for the child.

Full background screening is required as part of the ongoing evaluation when the family is considering the two options they have for having the child remain in their care. The Office of Licensing will perform subsequent renewals after the kinship caregiver becomes a licensed foster care placement for the child. If the family has been awarded temporary custody and guardianship of the child, background screening does not need to be completed again unless there are changes in circumstances that would warrant further background screening.

For example: A kinship caregiver has been awarded custody and guardianship with protective supervision services provided. At the 12-month permanency hearing Child and Family Services and the court changes the permanency goal to adoption. The Child and Family Team have made the determination that the child's best interest would be to remain with the kinship caregiver. Because of the court oversight and Child and Family Services involvement in this scenario the Attorney General would pursue termination of parental rights on the biological parents. In this particular scenario a Utah background screening would be conducted because it has been over 12 months since the initial background screening was performed for ongoing care. This background screening is required pursuant to Utah Code 78B-6-128 for adoption of a child.

CPS

What if parents do not have legal representation in court? Does the caseworker give the Written Notice of Preliminary Placement directly to the parents?

If parents are acting without legal counsel then we are responsible for providing that written notice to them directly instead of through the defense counsel.

What about a child who is dependent? Can they be released to a custodial parent? What is the process?

It would depend upon the circumstances of how that child was determined to be dependent and came into protective custody. If there is a situation in which a child has been removed in accordance to Practice Guidelines Section 205.1 and prior to the shelter hearing, something changed that made it so the child does not need to remain in care for safety, then the caseworker should consult with the AAG to determine if the child can be released to the custodial parent.

What is the process if there is a CPS referral while the child is in a Preliminary Placement? Is it conflict of interest, as the Preliminary Placement is not licensed?

An allegation of child abuse or neglect with the kinship caregiver identified as the alleged perpetrator could be considered a "related party" investigation if Intake is aware that a child in

Kinship Services

Questions and Answers

our custody has been placed with that family at the time they receive the referral. Intake would contact Dianne Warner-Kearney in the Office of Services Review (OSR) to staff the referral to make final determination of whether it is a "related party" investigation to be handled by the OSR. Allegations of abuse or neglect that are referred for investigation involving the children placed in the home but not involving the current caregivers will be handled through the regular CPS process.

Can a caseworker recommend to the court that custody and guardianship be granted to a kinship caregiver? What can an employee share with the court? Please provide clarification as the AAG, has in the past indicated that Child and Family Services should not be recommending this option but instead giving information to the judge so that the judge can make that decision.

Yes, we can make a recommendation for the court to consider awarding temporary custody and guardianship with a kinship caregiver. This recommendation should not be made until the evaluation for ongoing care has been completed and the family has made a decision that they would prefer not to move forward with becoming a licensed resource family for the placement of the child. Once that evaluation has been completed and it is determined with the Child and Family Team that the family has the capacity to care for the child without the resources available to a child in our custody, then the family is making an informed decision and it should be presented to the court.

Child and Family Services cannot, in accordance to our policy, make or continue a placement with a relative who does not pass background screening; however, if there is information available that the court should consider when determining if it is in the best interest of the child to remain with that caregiver, then we should give the court all the information necessary to make an informed decision. In this situation, the caseworker is not making a direct recommendation but allowing the court to weigh all the information necessary to make the decision.

Can we place a child with a relative, if that relative is a resident of the state of California and has legally entered into a same sex marriage? Would they be able to adopt a child?

We should not rule out a relative just because they are in a same sex relationship. We need to understand that the state of Utah will not recognize the couple as legally married because Utah state laws specifically define marriage as being between a man and a woman. If all the requirements are met for a Preliminary Placement, we are able to allow the child to be with a kinship caregiver who is living with another person while the ongoing evaluation is completed. We need to understand and explain that they will not qualify to be a licensed foster parent or to legally adopt a child in the State of Utah if they are in a "cohabitating" relationship.

Utah law restricts us from placing a child in our custody in a home that would not qualify to be an adoptive home in accordance with the following, taken from Utah Code Section 62A-4a-602:

- *A licensed child placing agency, may not place a child in foster care with any individual or individuals that would not be qualified for adoptive placement pursuant to the provisions of*

Kinship Services

Questions and Answers

Sections 78B-6-117, 78B-6-102, and 78B-6-137. However, nothing in this Subsection (5)(b) limits the placement of a child in foster care with the child's biological or adoptive parent.

- *Beginning May 1, 2000, with regard to children who are in the custody of the state, the division shall establish a policy providing that priority for foster care and adoptive placement shall be provided to families in which both a man and a woman are legally married under the laws of this state. However, nothing in this Subsection (5)(c) limits the placement of a child with the child's biological or adoptive parent.*
 - *R512-41-5 “Beginning May 1, 2000, the division gives priority for adoptive placements to families in which both a man and a woman are legally married under the laws of this state or valid proof that a court or administrative order has established a valid common law marriage as specified in Section 30-1-4.5. An individual who is not cohabiting may also be considered as an adoptive parent, if the Region Director determines it is in the best interest of the child.”*

When applying the preferences for placement, one of the considerations you will need to take into account when considering a same sex couple who are in a “cohabitating” relationship, yet meet the definition for a kinship placement, is whether the court would grant temporary custody and guardianship to the relative. We could not recommend placement of a child in our custody with this situation but we can give the judge all the information that shows that the child’s best interests may be to remain with these kinship caregivers and let the judge make that decision. In Utah, the laws would prohibit adoption so there would need to be consideration of what the permanency goal would be for the child if reunification with the parent/guardian whom the child was removed from is not successful.

Please remember if the couple resides in California, all ICPC requirements would apply before a preliminary or ongoing placement could be made.

What if a judge does not consider cohabitation as legal?

If it considered to be in the best interest of the child to remain with a relative who would not be able to qualify as an adoptive placement for a child because of our state laws, the judge should be given information to make the decision of whether to grant temporary custody to that relative. We can only present the best information we have and help the families we work with understand how current laws can affect their ability to have the child remain with them and the child’s prospects for permanency.

Does the complete ICPC process need to be completed before a child can be placed with a non-custodial parent or relative who lives in another state? Does this alienate parents from their own kids?

Yes, the ICPC process must be initiated whenever we have a child in the custody of the state that we are considering placing with a person who lives in another state (Practice Guidelines Section 502.9). The intent is to assure the safety of children when considering options for placements, not to alienate them from their parents. Parents have the right to legal counsel to represent their interests in court and may be encouraged to exercise that right in situations such as this. The only time the ICPC would not apply (when considering a parent placement) is when the judge

Kinship Services Questions and Answers

decides to grant custody to the non-custodial parent and terminate Child and Family Services involvement.

When parental rights are terminated and the child is “legally free”, what, if any, kinship preference of placement may apply? What does that do to former “aunts and uncles” and their ability to be considered for placement?

If the relatives have come forward within 120 days of the child entering foster care, they are to receive preferential consideration for placement.

If the relatives have come forward after the termination of parental rights is completed, the legal relationship that has existed between the child and biological relatives has been terminated. However, those persons may still be important in the life of the child and should be considered as a kinship caregiver “friend.” It is hopeful that before terminating parental rights, we have a family who will be the permanent family for that child so we are not creating an “orphan of the state.” However, there are situations in which a child may have become free for adoption and the adoptive placement disrupted or an adoption was dissolved, and in those cases especially, and with older youth who have been in foster care for long periods of time, we should look for relatives who can build lifelong connections with these children. We should always consider relatives when a child in our custody has not had permanency established. Let’s not just consider the biological relatives for these children, but also the adults who have had caring relationships with them in the past such as teachers, neighbors, and others who would fit the “friend” definition.

What happens if a judge just orders a placement?

We need to let the court know that if they order a specific placement, we may lose the ability to determine IV-E eligibility and it may have an affect on the type of resources that are available from Child and Family Services if the permanency goal becomes adoption. We need to work the AAG to help the judge understand that ordering a kinship placement is not necessary, as we have the capacity to make a swift placement with a kinship caregiver after completing an expedited background screening and limited home inspection. Also, if a judge orders placement with a relative that we know does not meet the background screening requirements or licensing standards, we need to ask the AAG to inform the judge of the specific information we have and let the court decide if they wish to grant temporary custody and guardianship to the family as we cannot recommend placement of a child in our custody with that family (Practice Guidelines Section 504.10).

Documenting Information in SAFE

How do you accurately document placements and when we actually take custody? What do you list as a placement after a child is removed – short-term care?

The case should be opened as an SCF case in accordance to Practice Guidelines section 502.2 Preliminary Placement Coding and 301.01 Opening a Foster Care Case. The earliest removal/custody date is used as the start date. In most cases this would be the date the child was removed from the parent and placed in protective custody. The case should be opened in SAFE

Kinship Services Questions and Answers

by midnight of the second business day after the shelter hearing where the court ordered temporary custody to Child and Family Services. The SCF case will be opened with a BHR placement code. The kinship caregiver needs to be entered into SAFE as the placement.

When entering the placement as a BHR code, does it require the placement to be opened as a provider? If so, what is the process for having them opened?

No, for a Preliminary Placement, the kinship caregiver is opened as a person in SAFE according to the attached Practice Alert entitled “Making a Preliminary Placement dated August 13, 2008. If this is determined to be the ongoing placement and the family chooses to become licensed, they will then be opened in SAFE as a provider.

When can we scan documents into SAFE? (Related to all the forms workers are going to be keeping.)

The SAFE update scheduled for release on November 15, 2008 will have the ability to create electronic imaging.

Can the kinship forms that can be used for Preliminary Placement be put into SAFE so they will print out like the CPS removal packets do?

This will be done in the near future. It will require a programmer to group them together into a packet. This is scheduled to happen after all the Kinship forms, tools, and job aides are entered into SAFE.

On Written Notice of Preliminary Placement or Preliminary Placement Change, can we add a place to document/prompt that the information has been input into SAFE?

SAFE programmers believe that a policy could be added to the SCF and CPS cases that would allow the caseworker to document that written notice had been sent to all involved parties. This is included in the list of recommended changes for SAFE and prioritized with other changes that need to be made.

Is a policy or dropdown going to be available to document whether or not the parent signed the Preliminary Placement Agreement?

This will not be added; however, the caseworker should make a note in the activity logs that the parent signed or that the parent refused to sign.

Evaluation for Ongoing Kinship Care

Who will complete the homestudies/adoptive studies for families living outside the region that has jurisdiction of the case?

The kinship home study worker in the region where the kinship caregiver resides will complete the evaluation as described in Practice Guidelines Section 503.1 Evaluation of Kinship Caregiver Capacity for Ongoing Care of a Child.

Kinship Services Questions and Answers

Who fills out the referral form to the Utah Foster Care Foundation?

Any kinship caregiver is welcome to go through the pre-service training at the Utah Foster Care Foundation (UFCF) whether or not they are choosing to become licensed. If the family has applied for the child specific license, then the Office of Licensing completes the referral and sends it to the UFCF. If the family is not becoming licensed but wants to attend pre-service training, the caseworker or kinship home study worker can make the referral for them to UFCF.

We are working with SAFE to develop a way for the kinship home study worker to be able to enroll the kinship caregiver in the training electronically in the SAFE Provider Module so there is not exchange of paperwork for this process.

Can Child and Family Services check a reference from someone who knows the potential kinship family even though they were not provided by the parent/family as a possible reference?

It is acceptable to request a reference on a family from a person who has knowledge of the family. The family will be asked to give us the names of people they would like us to contact as references, but we may also contact others if we feel that we need more information from another source.

Is there a specific form used to request an evaluation for ongoing care other than the KBS01?

Yes, there is a form titled "Caseworker Request for Kinship Home Study" that was sent out to the regions as a Word document. It will be put into SAFE as the KBSO9.

What can or should be done when the court makes the decision to have a family adopt, even if they don't pass Adam Walsh screening...and, therefore, Child and Family Services cannot consent to the adoption? Is Child and Family Services able to recommend custody and guardianship?

If a family has been granted temporary custody and guardianship of a child and subsequently proceeds to petition the court to adopt, Child and Family Services does not have a role in approving the adoption, as the child is not in state's custody. Please consult with the AAG when this situation arises.

Prior to the judge granting a kinship caregiver custody and guardianship of a child, caseworkers should make sure that the judge has a full understanding of the ramifications of such a decision, especially if the family does not pass background screening. It means that Child and Family Services could not approve that family for ongoing placement of a child in our custody and that if the court awards temporary custody and guardianship to the family and the family later wants to adopt the child, the family will not qualify for any adoption assistance to help with special needs the child may have.

Caseworkers should ensure that all background screening, safety assessment, and limited home inspection requirements have been met prior to Preliminary Placement, including the review of any background history by the Region Background Screening Committee. The background

Kinship Services Questions and Answers

screening completed by the Office of Licensing should be made available to the kinship home study worker to use along with the home study to determine with the family if they would have the resources and ability to provide safety and stability, as well as attend to the child's well-being and permanency needs without the resources that would have been available if they met standards required by the Adam Walsh Act to be approved as a potential foster or adoptive placement for a child in state's custody.

If background screening is denied after a child has been placed in a preliminary kinship placement, Practice Guidelines Section 504.10 give instructions on how to proceed. The Child and Family Team is to evaluate the placement option and time frames in terms of immediate threats of harm to the child, based on the background screening results, placement stability, and long-term view. The team will then decide if it is in the child's best interest to transition to another placement or to notify the court that policy will not allow Child and Family Services to continue the placement of a child in state's custody with a caregiver that does not pass background screening requirements. The caseworker may recommend to the court that they take into consideration information from the Guardian ad Litem (GAL) and others about what is in the best interest of the child and provide the court with the information necessary to make an informed decision.

Remember Child and Family Services cannot continue to have a child in our custody placed in a placement that does not pass background screening, so the only option for the child to remain with that family is for them to be awarded temporary custody and guardianship by the court.

Out-of-Home Requirements

How will eligibility workers be notified that a child has been brought into protective custody if they are not listed on the shelter report?

It is still the caseworker's responsibility to provide information to the eligibility worker within 30 days of placement in Child and Family Services custody (Practice Guidelines Section 303.9).

What if the Child and Family Team can't come to an agreement on where the child should be placed? Who ultimately decides?

If the Child and Family Team is unable to reach a consensus in identifying the family for placement, the caseworker should screen the families who have come forward requesting consideration with the region placement/permanency committee so that the caseworker is not in the position of unilaterally making the decision. This would fit with the Practice Guidelines Section 502.2 that clearly states "Child and Family Services is primarily responsible to select a kinship caregiver for Preliminary Placement, taking into account preferences for placement, the best interest of the child, the kinship caregiver's ability to meet qualifying requirements, and factors that may delay placement, result in multiple moves, or hinder progress towards the child's permanency goals."

Kinship Services Questions and Answers

Why is there no shelter or residential screening process required when placing with a kinship caregiver?

Kinship care has preferential consideration when it comes to placement of a child (Practice Guidelines Section 501.4). Therefore, if an appropriate kinship caregiver is available and meets the requirements, we should choose that option without comparing to other non-kinship placement options.

Why do we not require the screening of children under age 5 for a (legal risk) foster adoptive placement when considering a kinship caregiver?

Kinship care has preferential consideration when it comes to placement of a child. Therefore, if an appropriate kinship caregiver is available and meets the requirements, we should choose that option without comparing to other non-kinship placement options. Whenever we are involved in placing a child we should be considering permanency planning and whether the identified caregiver would be able to continue to care for the child if reunification were not successful. The Adoption and Safe Families Act has identified placement with a relative as an acceptable permanency option.

For youth who are involved with TAL services and meet the requirements for being able to live on their own, do we have to have the background checks for people that the child will be living with in an Independent Living placement?

A Utah background screening is required if the youth will be living in the same home with a person over 18 years of age. Live Scan and Out of State Child Abuse Registry checks may also be used if the individual has lived outside of Utah in the past five years. If the youth is renting an apartment or separate living space (i.e., no shared bathroom, kitchen, bedroom, or living area) from a “landlord” then background screening is not required. Background screening is not required on another youth who is considered a “roommate.”

Even if youth will be living with other youth, we need to help them make decisions that will keep them safe from threats of harm that may present as behaviors and actions of others, whom they associate with. Caseworkers can ask questions of the youth regarding the person they would be living with so that the youth is thinking about how that person’s behavior could influence them or whether they know the person well enough to be safe living with them.

If a Preliminary Placement needs respite care, do they have to use a licensed foster parent? Do those providing respite need to complete BCI screenings?

Respite care options for children in the custody of Child and Family Services can be found in Practice Guidelines Section 305.2. A respite caregiver would need to complete background screening, including the Utah BCI clearance, prior to being approved as a respite caregiver for a child in Child and Family Services custody.

Kinship Services Questions and Answers

Why do we need to fill out the Verification of Placement letter (in Kinship Caregiver packet) when we could print out shelter verification or verification of placement letter out of SAFE?

The purpose of the Verification of Placement letter in the Kinship Caregiver packet is for use when making a placement of a child during a field visit and the case may not already be opened on SAFE for those verifications to be printed out for the caregiver. Having this letter in the packet to give to the caregiver at the time of placement may allow fewer delays in them being able to address the child's educational needs and child care needs.

What about the initial clothing payment? Does the Preliminary Placement get that?

Yes, the Preliminary Placement can receive the initial clothing payment or other special needs assistance as needed in accordance to the Practice Guidelines Section 303.8 Placement Prevention/Disruption Fund (Special Needs Funding).

Do we print the Home-to-Home book for Preliminary Placement?

Yes, follow Practice Guidelines Section 303.3 for maintaining the home-to-home book for the child.

How do we contact Tribes outside of normal business hours?

Most Tribal offices are open regular business hours – Monday through Friday, 8:00 a.m. to 5:00 p.m. We may not be able to contact them outside those normal business hours. The state Indian Child Welfare Act (ICWA) Program Administrator can be a resource in helping locate the best contact within any of the Native American Indian Tribes.

If a licensed "friend" or extended family member is at capacity, can we place more children? What is the process?

It is possible to request a variance from the Office of Licensing. A variance is a deviation from the rules and standards. The Director of the Office of Licensing may grant a variance to the administrative rules of the Office of Licensing, if the director determines that a variance is in the best interests of the client and may be granted without compromising any health and safety requirements. The request for a variance must be made in writing and be approved by the Office of Licensing prior to placing the child in that licensed home. For more information on how to request a variance go to: <http://www.hslic.utah.gov/docs/variance%20request.pdf>.

Is there anything that we can do to help licensed foster parents from another state through the process when they move to Utah? What can we do to support licensed foster parents in Utah when they move to another state?

Unfortunately, there is not a way to speed up the process for licensing. It may be helpful to provide the family with all the information they need in order to make the application for licensure and to be able to complete the training requirements. Same for families moving to other states - help them know what they need to do before they leave Utah by researching the other state's requirements.

Kinship Services

Questions and Answers

Preliminary Placement

How long may a Preliminary Placement last?

A Preliminary Placement lasts until the ongoing evaluation is completed and the Child and Family Team have determined what the child's ongoing placement will be. Once the child-specific home study is completed with the family, the caseworker should take any action necessary to immediately implement the decision of the Child and Family Team regarding the child's ongoing placement. It is important to remember that the legal time frame for permanency starts from the time the child is taken into protective custody. Since the case is an open foster care case, caseworkers should use the completion of the ongoing evaluation as the trigger to either complete all the appropriate paperwork and applications for the child-specific license, or to prompt a court hearing to allow the judge to make a decision regarding temporary custody and guardianship to the caregiver.

In most situations, the team would be considering the Preliminary Placement for ongoing placement of the child and requesting the ongoing evaluation from the region kinship specialist/kinship home study worker (Practice Guidelines Section 503.) The evaluation process includes education to the kinship caregiver regarding the options for becoming a licensed foster parent or giving them full information to make a decision to request custody and guardianship from the court. This is why it is important that the caseworker make a request for the child-specific home study to the region kinship specialist/kinship home study worker within 30 days of placement.

In some situations, the plan may be to transition the child to another relative who has completed the ongoing evaluation or to another out-of-home placement that can meet the child's specialized needs. In that situation, the transition should be planned so that the child goes directly from the Preliminary Placement to the ongoing placement without any placement changes in between.

If there is more than one caregiver in the Preliminary Placement, do both caregivers have to sign the Kinship Caregiver Preliminary Placement Agreement?

Having a signed Kinship Caregiver Preliminary Placement Agreement by the primary caregiver in the home meets the statute requirements. If there is more than one kinship caregiver residing in the home, both caregivers need to understand the Kinship Caregiver Preliminary Placement Agreement. If only the primary caregiver is available to sign the agreement, placement does not need to be delayed just to get the spouse/partner's signature.

If the preliminary kinship caregiver has concerns about the parent/guardian knowing that the children will be placed with them, can we leave their name and address off the parent agreement?

There may be situations in which a caseworker would let the parent know that a relative has agreed to be the placement for a child but not include the caregiver's address on the form, especially if there are safety considerations. The kinship caregiver will, however, be a part of the Child and Family Team and also part of the court hearing process so it would be unlikely that they could remain anonymous.

Kinship Services

Questions and Answers

What if paternity has not been established?

In order to approve a non-custodial parent for Preliminary Placement, paternity must be established. Practice Guidelines Section 501.2 defines non-custodial parent in accordance with Utah Code Section 78A-6-307. It is the biological/adoptive relationship to the child that is taken into consideration when determining if the definition of non-custodial parent or relative applies.

What preference is given to an adoptive parent of a sibling?

Practice Guidelines Section 501.4 clarifies that preferential consideration for placement of a child taken into protective custody is first with the non-custodial parent that includes the adoptive or biological parent, or a parent with joint legal custody but whom the child was not residing with at time of removal, or a parent in which paternity has been established. If the non-custodial parent being considered for placement is the adoptive or biological parent of a sibling who is also being removed from the parent/guardian, then we can consider placement of the sibling with that non-custodial parent for Preliminary Placement to keep siblings together.

We may also make a Preliminary Placement of a biological sibling of an adopted child with that adopted child's family as it would help keep siblings together. All requirements for approving a Preliminary Placement must be met prior to placing the child with that family. However, PLEASE BE AWARE that the adoptive family will HAVE NO ABILITY to receive the Department of Workforce Services (DWS) specified relative assistance. They may be able to apply for Medicaid only through DWS for the child in these situations. If we are to make this kind of placement, we would want to be VERY CLEAR that we would need to do the full home study as soon as possible and help the adoptive family to get their probationary foster care license so they could get the foster care Medicaid and foster care payments.

Is Friday considered a business day when placing a child in a Preliminary Placement with the non-custodial parent?

No. Child and Family Services Administration has determined that Friday will be considered a non-business day for Preliminary Placements only! All other core business functions addressed in the "Working 4 Utah" Child and Family Services Implementation Plan must be followed.

Governor Huntsman changed state employees' business hours to Monday through Thursday effective August 4, 2008. Practice Guidelines Section 502.3(A)(1) reads: *"If the child is being placed with a non-custodial parent, this check (Utah background screening, SAFE, Office of Licensing, and Adult Services databases) may be completed for the non-custodial parent and any other adults age 18 and older in the home before or within one day after a child is placed, excluding weekends and holidays. This has to be based upon a limited investigation by Child and Family Services to determine that the non-custodial parent has regular, unsupervised visitation with the child that is not prohibited by law or court order, and there is no reason to believe that the child's health or safety will be endangered by making the placement prior to the background screening being completed."*

Kinship Services

Questions and Answers

Caseworker Visit Requirements for a Preliminary Placement

How often should the caseworker complete visitation with a child after placed in a Preliminary Placement?

Practice Guidelines Section 502.13(B) Preliminary Placement Visitation indicates that the caseworker will have an initial visit with the child by midnight of the second day after making the Preliminary Placement. If the kinship caregiver resides in another region, the caseworker may request the worker who conducted the limited home inspection to make this visit for them.

For the first four weeks of a Preliminary Placement, the caseworker will visit with the child at least once per week in the home of the kinship caregiver. After that, the caseworker will follow Practice Guidelines Section 302.2 regarding purposeful visiting with a child, out-of-home caregiver, and parents when a child is placed in a Preliminary Placement.

How is the time frame for the 48-hour visit calculated (i.e., from the time of the removal or from the time of the placement with the Preliminary Placement)?

The Kinship Practice Guidelines for visits with the child after a Preliminary Placement are calculated the same way as the visit we would require for a child who has been placed in shelter care. Practice Guidelines Section 704.1 states, *“The Child and Family Services worker shall visit the child in shelter by midnight of the second day after the date of removal from the child’s parents/guardians to assess the child’s adjustment to the placement and their well-being. Following the visit, a Child and Family Services worker shall continue to visit the child in shelter once per week. Once the ongoing worker has been assigned, that worker will be responsible to complete the weekly visits.”*

Practice Guidelines Section 502.3 indicates, *“The caseworker will have an initial visit with the child by midnight of the second day after making the Preliminary Placement. If the kinship caregiver resides in another region, the caseworker may request the worker who conducted the limited home inspection to make this visit for them. For the first four weeks of a Preliminary Placement, the caseworker will visit with the child at least once per week in the home of the kinship caregiver.”*

If the Preliminary Placement was not made immediately upon removal from the parent/guardian, both sets of these guidelines would apply. For example, if the child remained in a shelter setting for a period of 2 weeks before a Preliminary Placement was made, the caseworker should have visited that child by midnight the second day after being placed in shelter and again a week later. When the Preliminary Placement with the relative is made, the caseworker would again visit the child and caregiver by midnight the second day after the placement is made and weekly for the first month of placement.

Even though the state has moved to a 10-hour 4-day work schedule, these visits must be made by midnight the second day of placement (holidays and weekends included).

Kinship Services Questions and Answers

Does the caseworker need to visit with the child and the kinship caregiver during the 48-hour visit required by midnight of the second day of the Preliminary Placement and during each of the weekly visits thereafter? Or is the caseworker required to just visit with the child or just the caregiver? Do these visits need to be in the home of the caregiver?

The caseworker should be visiting with the child and the caregiver for each of these visits in accordance to Practice Guidelines Section 502.13. The purpose of the visits is to assess the safety and stability of the child with the kinship caregiver and to assist the kinship caregiver in adjusting to having the child placed in their care by responding to their needs. These visits should take place in the home of the kinship caregiver.

Are weekly visits required on a licensed friend/extended family placement?

It is best practice to do weekly visits whenever a child is placed in a new environment to assist with their transition with the new caregiver. If this is not considered a Preliminary Placement but has been determined to be the ongoing placement for the child, then caseworkers should follow out of home Practice Guidelines Section 302.2 for purposeful visiting between caseworker and child, and caseworker and caregiver, etc.

How can SAFE prompt/track these (licensed friend/extended family) placements?

These placements are opened as SCF with using the appropriate code for the level of care the child is to receive and the caregiver's level of training in accordance to Practice Guidelines 502.11. We are not tracking these placements as a licensed friend/extended family member at this time.

Are we tracking Shelter Placements by ongoing workers? Is this (licensed friend/extended family) considered a Preliminary Placement or a Shelter Placement?

All placements should be entered into SAFE in a timely manner so we know where the children in our custody are residing. When licensed friend or extended family member is used for Preliminary Placement, it's just that - a Preliminary Placement, meaning that the child is with someone known to them or their family instead of being placed with someone not known to the family. The Child and Family Team must determine if this is the best ongoing placement for the child to remain in. Since we are only able to place with a "friend or extended family member" after they receive a foster care license for that specific child, in most situations this will likely be the ongoing placement. We should avoid multiple placements for children in care.

Region Action Items

Where will caseworkers obtain contact information for how to get a kinship home study done in other regions?

Each region has designated staff to be their kinship specialist and contact person for a kinship home study: Salt Lake Valley Region, Ken McCauley; Western Region, Dennis Brooks or Lisa Dent; Northern Region, Jean Marie Morrison; Eastern Region, Tammy Ardohain; and Southwest Region, Kyle Garrett.

Kinship Services Questions and Answers

How will the region background screening review committee obtain further information regarding the “hits”? How will review committee decisions be communicated back to workers in the region? How will the regional expectations be communicated to workers statewide?

Regions have identified their Region Background Screening Committee, and they have received training on the process they should use to review information and when to request further information. The TAC/Alternate in each region will provide the necessary information to the Region Background Screening Committee. Upon a decision, the background screening information is returned to the region TAC/Alternate, who will notify the caseworker of the approval or denial.

How will short-term placements be documented and paid?

If the child is in a location for less than 24 hours, it is not considered a placement. Caseworkers should keep track of where the child is staying in the activity log of the case record. If a child is not placed with in a Preliminary Placement with a kinship caregiver within 24 hours, the child should be placed with a licensed placement until a preliminary or other ongoing placement is identified by the Child and Family Team.

There were concerns about judges and AAGs supporting these changes to Kinship. What is the plan to educate them and to partnership with them?

When the kinship Practice Guidelines were drafted, a focus group was held with representatives from the juvenile court, AAG, GAL, and parental defense to talk about changes in practice and obtain their feedback. The AAG has reviewed the finished Practice Guidelines and has also been responsive in providing legal interpretation of the statutes that were changed this past legislative session. Judges have received information regarding the changes in practice through a memo sent by the Child and Family Services director. It outlines changes in Practice Guidelines and gives them information on the resources available for families if they become a licensed kinship caregiver or if they are awarded temporary custody and guardianship of the child. We also have an opportunity to do education to the judges at the Court Improvement Summit in October 2008 with a presentation on changes in Kinship practice.

Concerns were expressed about added caseload requirements (paperwork and visits) with already high caseloads. What is being done or will be done to address those needs?

Kinship Practice Guidelines have been developed to allow for activities to be completed by others and not just the caseworker. We hope that supervisors will work within their teams to create support for getting things done that are required prior to a Preliminary Placement. Although it is recognized that the requirements upfront are intensive, the intent is to get children more quickly placed with relatives and people they are already familiar with and to provide support for the caregivers. Kinship specialists, those identified to be doing the kinship home study, will be counted as FTE's with a caseload in our caseload tracking and it's expected that they will be educating and supporting the caregivers while doing the ongoing evaluation.

Kinship Services

Questions and Answers

Resources and Support for Kinship Caregivers

What happens if Licensing approves a family, even though their history/record should not permit it? How does this affect IV-E funding/eligibility?

The Office of Licensing cannot license a family that has not met all the background screening requirements for approval, including the review by the Criminal Background Screening Committee (made up of representatives from several agencies within the Department of Human Services) if there has been a criminal history. Child and Family Services can only draw down IV-E funding for a child that qualifies in a licensed placement. If an error had occurred and a family received a license without meeting the requirements, any IV-E funding drawn down by the state for the child in that placement would have to be paid back to the Federal Government.

When is it anticipated that our use of ORSIS will be restricted?

Child and Family Services direct access to ORSIS was discontinued on July 22, 2008.

There needs to be some clarification sent out to staff regarding whether the kinship caregiver needs to go apply for child support from the Office of Recovery Services (ORS) and, if so, for what time period they are eligible to receive child support. How does that work?

A non-custodial parent will want to contact ORS if they have a child support collection case in their name collecting from them child support for the child or if they want to seek support from the other parent. The non-custodial parent should notify ORS that they are now caring for the child so that the current support payment can be changed and to determine if they could receive child support from the other parent. A relative will generally seek support through the DWS for a specified relative payment and the assignment of any child support being collected on behalf of the child will go from ORS to DWS (Practice Guidelines Section 502.12.A.1).

What is a caseworker to do in identifying non-custodial parents during weekends or holidays – ORS?

While there will not be access to ORS to request kinship locator service on a weekend or holiday, caseworkers should continue to ask questions to obtain as much information as possible about the absent parent so they can request that search on the next business day.

If the child is receiving SSI/Social Security and we now have custody of the child, will Child and Family Services be the protective payee, and then will that money be transferred to the kinship caregiver? Or does the kinship caregiver need to go down and apply for the SSI/Social Security?

While the child is in a Preliminary Placement with the relative and still in Child and Family Services custody, the caseworker would apply to be the representative payee for the child's income. The caseworker will then authorize transfer of funds to the relative as soon as possible, to assist the caregiver in providing for the care of the child. This will be done as the caregiver will not qualify for specified relative assistance for a child who has income from SSI or Social Security. After the ongoing evaluation (child-specific home study), if the family chooses to request temporary custody and guardianship of the child rather than becoming a licensed foster parent, they would apply to Social Security to become the representative payee for the child.

Kinship Services Questions and Answers

Child and Family Services will close the child's representative payee account when the foster care case is closed (Practice Guidelines Section 502.12.A.3).

Can the state change the Federal funding requirements to help support caregivers?

The state does not have the authority to change Federal funding requirements. Congress must change Federal laws to authorize use of Federal funds to support caregivers. Individual citizens may contact their congressional offices to encourage legislative changes. Child and Family Services administration tracks proposed Federal legislation, participates in Federal policy discussions, and provides input regarding proposed legislation and regulations.

Will MI706 budgets be increased? There was concern about these budgets being drained until the kinship family secures other coverage. What additional efforts will be provided to help seek reimbursement of funds obtained from MI706?

MI706 budgets will be closely monitored as the kinship policies are implemented, and if needed, additional funding will be sought. Caseworkers are strongly encouraged to assist families in applying for Medicaid coverage as soon as possible to minimize unnecessary use of MI706 funds.

How long will eligibility be extended to support a family? It seems that we need some type of guidelines in order to not open a can of worms.

Practice Guidelines Section 502.12.B.3 states that, *"an eligibility worker may issue an MI706 to the end of the month following the month a child is ordered into Child and Family Services custody, if the child is not enrolled in Medicaid when removed from the home. After that time and only as a last resort, the caseworker may request an MI706 from the Fostering Healthy Children nurse for specific health care needs of the child and for medical, dental, or mental health examinations required by Child and Family Services that the non custodial parent or relative cannot pay for through other available resources. The non-custodial parent or relative should have applied for Medicaid, including requesting retroactive coverage, before an MI706 is requested or issued by a nurse."* Caseworkers are strongly encouraged to assist families in applying for Medicaid coverage as soon as possible to minimize unnecessary use of MI706 funds.

Would Crime Victims Reparation be a resource to support some of the needs for kinship caregivers?

Crime Victims Reparation could be a valuable resource for a family if a child suffers from physical or psychological injury as a direct result of a supported child abuse and neglect finding or criminally injurious conduct. Kinship caregivers may apply on behalf of the child as long as the incident occurred in Utah and Child and Family Services has supported a finding of abuse or neglect, or law enforcement has sufficient evidence that the incident occurred. For more information check <http://www.crimevictim.utah.gov> or contact Crime Victim Reparations at 801-238-2361.

Kinship Services Questions and Answers

What is the plan for DWS to be aware/more helpful with the placement of children with non-licensed kin? (Any talks/plans?)

Judy Hull, Kinship Program Administrator, has been working with the DWS program manager and administration to build shared understanding of our new practices in kinship care at the state level. Child and Family Services region directors have agreed to work with the local DWS region directors to create better communication. If you are aware of any families who have been turned away from applying for specified relative assistance because the child is in our legal custody, please contact Judy Hull and let her know where that is happening. We will continue to work on this collaboration with DWS.

Are Tribal definitions for a relative recognized by DWS or just Child and Family Services?

The definitions for relative that are established by DWS for specified relative assistance apply to all individuals. They do not recognize the Tribal definitions of relative.

How can placements be eligible for Medicaid and/or specified relative assistance if the child is in Child and Family Services custody?

It is not the legal custody of the child that qualifies them for assistance; it is the fact that they have been physically placed in the care of a relative and that relative has assumed the responsibility to provide for the child's basic needs. When a relative is applying for specified relative assistance that will include Medicaid for the child, they are applying for the specific child they are caring for and not the household. On the application they need be sure to identify that the assistance is for the child only so that DWS does not include the caregiver's assets/income in determining eligibility.

In the past, Child and Family Services has not allowed kin to cover a child in state's custody with their own private insurance. Is that different now?

While a child is in the Preliminary Placement with the relative, they will be responsible to have a means to provide for the child's medical, dental, and mental health needs. If a relative is financially able to care for the child without additional assistance and has the option of placing the child on their insurance, it is acceptable. The ongoing evaluation will help them explore if they need additional resources to care for the child and if they don't, they may choose to have the court award them temporary custody and guardianship of the child.

Could a child remain on their parents' insurance?

Children should remain on their parents' insurance as long as the parental rights are intact. Parents are responsible for providing for the medical, dental, and mental health care needs of their children, and third party insurance is billed before Medicaid is billed when the child has that type of coverage. Caseworkers should work with the kinship caregiver to obtain Medicaid for the child. Once the child is on Medicaid, the Office of Recovery Services becomes involved in ensuring they have the parent's insurance information so that their insurance is billed for the treatment services the child receives.

Kinship Services

Questions and Answers

How can Child and Family Services support the Preliminary Placement in obtaining and providing documentation of their relationship to the child for the purpose of applying for financial and/or medical assistance for the child?

The region may use the same processes that have been established to obtain needed documentation for determining Medicaid eligibility and IV-E eligibility for a child in foster care. If we have the ability to obtain birth verification and Social Security cards for the children in our care, we can continue to do so and provide such information to DWS to assist in their determination of benefits for the children and families. This does not help establish connections between the child and other relatives so we've added a release of information statement on the parent agreement that would allow DWS to access that information from a database they have access to.

When applying through DWS for financial resources, is there a way to figure out what the child will qualify for sooner? What if the child has an immediate need for medication?

DWS has 30 days from the date of application for assistance to process that application and notify the applicant of approval or denial. Caseworkers can assist the family in obtaining necessary verifications in order to facilitate the process, but there is no guarantee that it will shorten the time for DWS to complete the process. If a child has immediate medical, dental, or mental health care needs, the Fostering Healthy Children nurses can assist in obtaining an MI706 to assist in paying for the needed services and medications. When applying for Medicaid the relative will be directed to request retroactive Medicaid, which could also provide a way to reimburse them for any out of pocket medical expenses they have had if Medicaid eligibility is approved.

Can kinship providers claim the child placed with them as a dependent if they are not licensed?

According to U.S. Code Title 26,152, Dependent, the answer would be **yes** if they fall under the following factors:

Qualifying relative:

- A child who bears a relationship to the taxpayer (kinship caregiver) as defined by U.S. Code as a son, daughter, stepson, or stepdaughter of the taxpayer, or an eligible foster child of the taxpayer.
 - An eligible foster child means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.
- A taxpayer (kinship caregiver) provides over one-half of the child's support for the taxable calendar year and provides more than 10 percent of the child's support.

The answer would be **no** if they fall under the following factors:

- If the dependent or taxpayer (kinship caregiver) is not a citizen of the United States.
- If the child resides in the taxpayer's home (kinship caregiver) less than half of the taxable year and contributed less than 10 percent of the child's support.
- If the child does not qualify under relative or eligible foster child.

Kinship Services Questions and Answers

It is recommended that the kinship caregiver consult with a tax accountant on this matter since there are multiple answers to this question.

Scenarios: Clarify the Gray Areas

What if dad has custody with an ongoing case and mom is having a visit but gets arrested and dad can't get there for two days? We can't take custody of a child under the jurisdiction of another court, can we?

Any removal of a child from the care of a parent/guardian must be in accordance with Practice Guidelines Section 205.1 Grounds for Removal. A warrant shall be obtained from a court of competent jurisdiction to facilitate the removal and subsequent placement of a child into protective custody, unless there are exigent circumstances that demonstrate a substantial, immediate threat to the health or safety of a child, unless a court order to remove is already in place, or unless a parent gives consent for removal. Even though a child/family may be under court jurisdiction for protective supervision, a decision for removal is based on immediate safety. The jurisdiction issue is not one we need to sort out as that is up to the court system if we've had to take action to protect a child.

In this situation, the caseworker would need to determine if the child was dependent, meaning without proper care. The question may be whether the absent father can make arrangements for care of the child even though he is unavailable to provide for that immediate care himself.

What if parents informed law enforcement of a possible caregiver for the child, but they did not arrive until some time after Child and Family Services? Could the child be released or is the child in our custody? (Example: The police are at the home and are arresting mom. Mom said she wants to call grandma to come and get the kids. Are the kids in custody or not?)

The key here is whether or not law enforcement is contacting Child and Family Services because of a concern that the children are "dependent" (left without care) because the mom is being arrested and there is no one available to care for the children. If they have contacted Intake and indicated that there is a need for immediate response because they are going to take the mom to jail and the children will be left without care then law enforcement has taken the children into protective custody due to exigent circumstances and we would need to follow Practice Guidelines Sections 501.3, 501.4, etc. to identify potential kinship placements and do all the requirements for a Preliminary Placement before the children could go with a relative.

If a parent makes arrangements for the children to be cared for by another adult and when you arrive at the home the children are being cared for by that person, you would assess whether the children are dependent. The caseworker would assess any potential threats of harm, the vulnerabilities of the children, and the protective capacities of the caregiver. The safety decision will determine if there is a need to intervene to keep the children safe. You would continue your CPS investigation into any allegations until you were able to conclude whether abuse, neglect, or dependency had occurred and make appropriate recommendations.

Kinship Services

Questions and Answers

As soon as law enforcement or Child and Family Services makes a determination that children cannot safely remain in the care of a parent/guardian, a decision has been made to take that child into protective custody and we need to follow Practice Guidelines Sections 205.1 and 501.

There were some variations on this question: What if Child and Family Services was there first, if the mom left before grandma arrived, if mom was asked about where the kids could go, etc.? There is confusion over when we might just file a petition for ongoing In-Home Services for a family or when we have actually taken custody of the children.

Once again, as soon as a caseworker has determined that the children cannot safely remain with the parent, they are making a removal decision and should follow Practice Guidelines Sections 205.1 and 501. If a caseworker is gathering information and still assessing to make a safety decision during the course of an investigation into allegations of abuse and neglect and a parent decides to have the children go to grandma's house during the investigation, the parent has made that choice and the caseworker should continue to gather information that will lead to a decision regarding safety. If at the conclusion the CPS caseworker feels that the children are currently safe with the substitute caregiver but would be in a situation that poses an imminent threat of harm with the parent/guardian if they were to return to their care without further intervention, a petition could be filed to seek court intervention to ensure that the offending parents are offered services to reduce the likelihood of repeat maltreatment.

Please take note that if you do have situations in which parents have placed their children in the care of relatives and we determine that there is a need for court intervention to prevent that parent from having the ability to just show up and take the child, we may petition the court for protective supervision and temporary custody and guardianship to the substitute caregiver. However, because we have never taken the child into protective custody, that family does not have an option of becoming a licensed foster parent for the child since the child is not in state's custody, nor will they be eligible for any type of subsidy if for some reason adoption becomes a permanency goal.

What if the child has grown up thinking someone is a relative (father, mother, grandparent, etc.), even though there may not be any biological relationship?

If a child has a relationship with a potential kinship caregiver who does not have a biological relationship with the child or fit within the definitions of Practice Guidelines Section 501.2, they can be considered with the same preference as "friend" and would need to obtain a child-specific foster care license prior to placement.

Tools and Technology

Will the Parent Agreement form and the Kinship Caregiver Agreement form be available in a carbon paper format so that the information only needs to be entered once and copies can be distributed to directly to each party?

The State Office will provide the forms in SAFE. There are some regions that have had the forms ordered and printed in carbon triplicate, but have done this with region money.

Kinship Services Questions and Answers

Will the Kinship/Parent Caregiver Preliminary Placement form be in duplicate? In addition to Child and Family Services having a copy of the signed agreement, it seems like they would need a copy to refer to that would include the written visitation plan.

The State Office will provide the form in SAFE. There are some regions that have had the forms ordered and printed in carbon triplicate, but have done this with region money.

Will removal packets now have all the kinship stuff in them?

The removal packet can be updated to include the necessary kinship information. Judy Hull and Darren Burdette, CPS Program Administrator, are working on this project.

Can we put the date on “new” forms/pamphlets? Can the forms/brochure have a date to help workers know when the form has been updated (“current as of”)?

Yes, this has been completed. Dates have been added to the forms, tools, and job aides as they are being entered into SAFE.

Is the State Office going to print the Kinship Caregiver Packets and pamphlets or does the region/office need to print them out for themselves?

The State Office is printing the Information for Families Considering Kinship Care pamphlet. The Preliminary Placement with Kinship Caregivers booklet will be in SAFE and can be printed out to disperse to kinship caregivers.

Is there a simple 1-page check-off sheet of all the steps in making a Preliminary Placement?

The “Steps for Doing a Preliminary Placement, A Checklist for Caseworkers” was developed to assist caseworkers in making a Preliminary Placement. A copy can be found in your packet that was presented to you in training. If you need a copy, contact Judy Hull. This form will be entered into SAFE at a later date.

Will the Kinship Caregiver Packets and other forms be available in Spanish? Has there been some consideration of who (other than the caseworker) will be asked to translate for the home study worker when they are doing an evaluation on a family that only speaks Spanish?

The Kinship forms, brochures, and booklets will be translated into Spanish and will be accessible in SAFE after all the English forms, brochures, and booklets are entered.

There were some requests for a short checklist for Kinship caregivers of everything that they need to do, similar to the one that we did for caseworkers.

Preliminary Placement with Kinship Caregivers can be found on the second page of the Kinship Booklet. This booklet can be found in packet that was presented during the Kinship Practice Guidelines training. If employees would like to have additional copies for their kinship caregivers, please contact Judy Hull.

Kinship Services Questions and Answers

Is the KBS00 going to be sent to the Office of Licensing with the KBS01?

No. The KBS00 is for Preliminary Placement information and data entry for Child and Family Services employees only.

It would be helpful to have a QA checklist for requirements related to Kinship.

The “Steps for Doing a Preliminary Placement, A Checklist for Caseworkers” can be found in the packet that was presented during the Kinship Practice Guidelines training. This checklist will be available in SAFE in the near future. If you need additional copies, please contact Judy Hull.

If a kinship caregiver fails to comply with the agreement, is that enough to file for an Order to Show Cause (OSC) Hearing?

The caseworker should consider how the failure to comply with the agreement has affected the child’s safety. Child and Family Services is responsible to ensure that the child is in a safe placement. If safety is not the issue, the caseworker should review the Kinship Caregiver Agreement for Preliminary Placement with the kinship caregiver to assure that they knew what they signed pertaining to their responsibilities and the terms for visitation. If there is repeated failure to follow the agreement but it does not warrant the child be removed from that caregiver to ensure safety, then the caseworker can staff the situation with the AAG to determine if an Order to Show Cause hearing is a possibility. The situation should also be discussed in the context of the Child and Family Team.